

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JORGE DESSUS-MEDINA, *et. al.*

Plaintiffs,

v.

Civil No. 19-1492 (ADC)

HOTEL WYNDHAM SAN JOSÉ
HERRADURA – COSTA RICA, *et al.*,

Defendants.

OPINION AND ORDER

Before the Court is defendant Hotel Wyndham San José Herradura - Costa Rica's ("Herradura") motion for attorney's fees and litigation costs. **ECF No. 50**. Plaintiffs Jorge Dessus-Medina, Jorge A. Dessus-Cascante and María T. Cascante-Vargas (together, "plaintiffs") responded in opposition. **ECF No. 51**. For the following reasons, Herradura's motion for fees and costs is **DENIED**.

The Court dismissed all of plaintiffs' claims against Herradura without prejudice because the Court did not have personal jurisdiction over the defendants. **ECF No. 48**.

The "basic point of reference when considering the award of attorney's fees is the bedrock principle known as the American Rule: Each litigant pays his own attorney's fees, win or lose, unless a statute or contract provides otherwise." *Baker Botts L.L.P. v. ASARCO LLC*, 576 U.S. 121, 126 (2015). Here, Herradura has failed to argue that a statute or contracts provides that it is entitled to attorney's fees, and has failed to substantially argue grounds sufficient for this Court

to deviate from the routinary application of the American Rule. *See id.* As such, Herradura's motion for attorney's fees cannot prevail.

I. Conclusion

For the reasons stated above, Herradura's motion for attorney's fees (ECF No. 50) is **DENIED.**

SO ORDERED.

In San Juan, Puerto Rico, on this 15th day of September, 2022.

S/AIDA M. DELGADO-COLÓN
United States District Judge